

Deval L. Patrick
Governor

Andrea J. Cabral
Secretary

The Commonwealth of Massachusetts
Department of Public Safety

Architectural Access Board
One Ashburton Place, Room 1310
Boston, Massachusetts 02108-1618

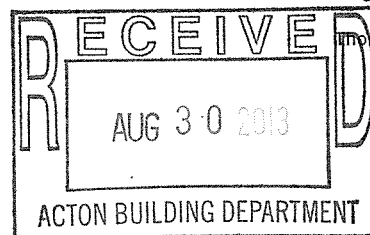
Phone 617-727-0660

Fax 617-727-0665

www.mass.gov/dps

Thomas G. Gatzunis, P.E.
Commissioner

Thomas P. Hopkins
Director



TO: Local Building Inspector
Local Disability Commission
Independent Living Center

Docket Number **V 13 227**

FROM: ARCHITECTURAL ACCESS BOARD

RE: **Sidewalk**
179 Great Road
Acton

Date: **8/28/2013**

Enclosed please find the following material regarding the above location:

___ Application for Variance

☒ Decision of the Board

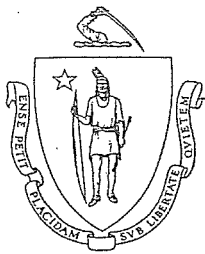
w/condition

___ Notice of Hearing

___ Correspondence

___ Letter of Meeting

The purpose of this memo is to advise you of action taken or to be taken by this Board. If you have any information which may assist the Board in reaching a decision in this case, you may call this office or you may submit comments in writing.



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NOTICE OF ACTION

RE: Sidewalk, 179 Great Road

1. A request for a variance was filed with the Board by **Acton** (Applicant) on August 1, 2013
Patriot Square
The applicant has requested variances from the following sections of the 06 Rules and Regulations of the Board:

<u>Section:</u>	<u>Description:</u>
24.1	Petitioner seeks relief for the slope of existing ramps #1 and #2 as shown on the exhibits submitted.

2. The application was heard by the Board as an incoming case on Monday, August 26, 2013

3. After reviewing all materials submitted to the Board, the Board voted as follows:

GRANT: the variance relief to 521 CMR Section 24 for the existing ramps #1 and #2 as proposed in the application submitted, for the reason that impracticability (see definitions of impracticability in Section 5 of 521 CMR) has been proven in this case and on the condition that the petitioner provide the two (2) items requested by the Acton Disability Commission as outlined in a August 26, 2013 email to the Board. The Commission's email is enclosed.

Photographs of the completed work are required to be submitted to the Board upon completion, so that the file can be properly closed.

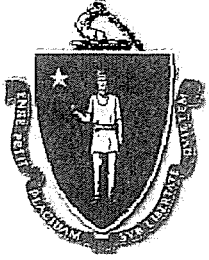
PLEASE NOTE: All documentation (written and visual) verifying that the conditions of the variance have been met must be submitted to the AAB Office as soon as the required work is completed.

Any person aggrieved by the above decision may request an adjudicatory hearing before the Board within 30 days of receipt of this decision by filing the attached request for an adjudicatory hearing. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final decision and the appeal process is through Superior Court.

Date: August 28, 2013

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Walter White T.H.
Chairperson
ARCHITECTURAL ACCESS BOARD



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Docket Number

(Office Use Only)

REQUEST FOR ADJUDICATORY HEARING

RE: _____
Name and address of building as appearing on application for variance

I, _____, do hereby request that the Architectural Access Board
conduct an informal Adjudicatory Hearing in accordance with the provisions of 801 CMR Rule 1.02 et.
seq. as I am aggrieved by the decision of the Board with respect to Section(s) _____
of the Rules and Regulations of the Architectural Access Board, 521 CMR.

I understand that I may request such a hearing within **thirty (30) days** of receipt of the Notice of Action.

Date: _____

Signature

PLEASE PRINT:

Name

Address

City/Town

State

Zip Code

E-mail

Telephone

PLEASE NOTE:

This form must be received by the Board **within thirty (30) days** after receipt of the Notice of Action.

Hopkins, Thomas (DPS)

From: Danielfactor@aol.com
Sent: Monday, August 26, 2013 4:59 AM
To: Hopkins, Thomas (DPS)
Cc: cod@acton-ma.gov; s.b.baran@comcast.net; lesliej961@verizon.net; mbarbadoro@acton-ma.gov; actonmgt@verizon.net
Subject: Acton COD Comments Re: 179 Great Road

Dear Mr. Hopkins,

Below are our advisory comments in regard to the Application for Variance for 179 Great Road.

Two members of the COD conducted a site visit of the premises. Along the side of the building in which vehicles enter from Great Road, the applicant has asked for a variance to allow two short ramps leading to individual business entrances to remain, which both exceed the allowable steepness, and can only be accessed from the parking lot by stepping onto a curb, several inches up from the parking lot surface. At both corners along the same side of the building are two longer compliant ramps which lead to the same sidewalk and business entrances which the short ramps lead to.

It was the unanimous opinion of the COD that the applicant's variance request to allow the two short ramps to remain should be allowed, so long as the applicant: 1) Adds a HP parking spot next to one of the longer ramps on this same (Great Road) side of the building; 2) Installs signage alerting individuals along the Great Road side that there is a fully accessible entrance and parking at the main entrance, which is located on the Northwest side of the building.

The COD supports allowing the variance with these two conditions because 1) The two longer ramps along the Great Road side allows individuals good access to the businesses along this side of the building via their individual entrances (these same businesses are also accessible via the building's main entrance on the Northwest Side of the building) 2) All the businesses in the building are easily reached from the aforementioned fully accessible main entrance which has ample HP parking, however it is only with proper signage that an individual entering from Great Road can be aware as to where this most accessible and main entrance is.

Sincerely,

Danny Factor
Acton Commission on Disabilities
(978)835-5788.